S.B.Cr.Misc. Bail App. No.4251/2007

(Narsa & Ors. vs. State of Rajasthan)

Date of order : September 03, 2007

HON'BLE MR.H.R.PANWAR,J.

Mr.Shambhoo Singh, for the petitioners.

Mr.Ashok Upadhyaya, Public Prosecutor.

Heard learned counsel for the petitioners and the Public Prosecutor for the State. Perused the order impugned and the challan papers. More particularly the statement of injured Shanker. He has named three persons viz.Amra, Jhuma and Gula and for fourth person, he has stated that he was a physically handicapped person and inflicted injury to him but he has not been named.

It is contended by the learned counsel for the petitioners that there is no allegation of causing injuries to first informant by petitioners No.2 and 3 and so far as petitioner No.1 is concerned, he has neither been named in FIR nor has been put to identification parade and there being no evidence of identification parade with regard to the present petitioner No.1, who alleged to have caused injuries.

Be that as it may, without commenting on the merit of the case, which may prejudice the case of either party at the trial, having considered the totality of facts and circumstances of the case and taking into account the oral arguments advanced by both the parties, I think it just and proper to enlarge the accused petitioners on bail.

Accordingly, the bail application filed under Sec. 439 Cr.P.C. is allowed and the petitioners Narsa s/o Prema, Gula s/o Narsa and Jhuma s/o Vaga be released on bail in FIR No.94/2007, P.S. Abu Road Sadar, Distt. Sirohi provided each of them furnishes a personal bond in a sum of Rs.20,000/- with two sound and solvent sureties in the sum of Rs. 10,000/- each to the satisfaction of learned trial court for their appearance before that court on each and every date of hearing and whenever called upon to do so till the completion of the trial.

(H.R.PANWAR),J.

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